

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11974-HH

DUKES CLOTHING, LLC,

Plaintiff-Appellant,

versus

THE CINCINNATI INSURANCE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

Before: WILSON and ROSENBAUM, Circuit Judges.

BY THE COURT:

Dukes Clothing, LLC's motion to amend the pleadings to correct the parties' citizenship is GRANTED. We deem the pleadings amended to reflect that Hannah Adcox, the sole member of Duke's Clothing LLC, is a citizen of Alabama and The Cincinnati Insurance Company is an Ohio corporation with its principal place of business in Ohio. *See 28 U.S.C. § 1653; Mallory & Evans Contractors & Eng'rs, LLC v. Tuskegee Univ.*, 663 F.3d 1304, 1305 (11th Cir. 2011). As amended, the pleadings now establish that the parties were diverse and the district court had

subject matter jurisdiction over this action in the first instance. *See* 28 U.S.C. §§ 1332(a), (c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 88 (2010); *Travaglio v. Am. Express Co.*, 735 F.3d 1266, 1268 (11th Cir. 2013) *Mallory & Evans*, 663 F.3d at 1305. This appeal may therefore proceed.

Dukes Clothing, LLC is further DIRECTED to file notice of this order in the district court, along with a copy of the newly amended complaint.